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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1408/2006

DEVI SINGH Vs. SMT. ANITA DEVI

DATE: 10.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. D.S. Jadoun for the petitioner.

Heard on the application under Section 5 of the Limitation Act for condonation of 272 days delay in filing the present revision petition.

Having heard learned counsel for the petitioner, I find no good reason to condone the delay in filing the revision petition, but in the interest of justice, heard the revision petition on merit also.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the judgment dated 22.11.2005 passed by the Family Court No.1, Jaipur in Criminal Case No. 365/2003, whereby the application of the respondent-wife moved under Section 125 Cr.P.C. has been allowed and the petitioner-husband has been ordered to make payment of Rs. 800/- per month to the respondent as maintenance from the date of application i.e. 09.12.2003.

(2)

I have heard learned counsel for the petitioner and have also gone through the impugned judgment dated 22.11.2005 passed by the Family Court No.1, Jaipur.

The Family Court has considered each and every aspect and looking to the status of the petitioner-husband, maintenance of Rs. 800/- per month has been granted in favour of the respondent-wife, which cannot be said to be excessive. Therefore, the impugned judgment dated 22.11.2005 passed by the Family Court No.1, Jaipur requires no interference whatsoever by this Court.

Consequently, the revision petition fails on merit also and the same is hereby dismissed.

The application under Section 5 of the Limitation Act also stands rejected.

The petitioner is at liberty to move application before the Family Court for payment of outstanding amount of maintenance in installments and it is for the Family Court to consider the same.

(K.S. RATHORE), J.

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